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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/488,351	01/20/2000	Terry L. Cole	2000.023000	4297
23720	7590	11/17/2005	EXAMINER	
WILLIAMS, MORGAN & AMERSON, P.C. 10333 RICHMOND, SUITE 1100 HOUSTON, TX 77042			AHN, SAM K	
			ART UNIT	PAPER NUMBER
			2637	

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

✓

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/488,351

Applicant(s)

COLE, TERRY L.

Examiner

Sam K. Ahn

Art Unit

2637

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 10 October 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.


REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because: the argument is not persuasive. The applicants argue that Wu in view of Wiese do not teach or suggest in combination of all the subject matter claimed. The examiner respectfully disagrees. The examiner maintains the rejection and addresses that Wu in view of Wiese teach identical features of the claimed subject matter. The applicants, on page 13 request to cite a reference for the teaching that the second transceiver transmitting training parameters to the first transceiver to perform training parameter is identical to the first transceiver calculating the training parameter, performing training, and transmitting the training parameters to the second transceiver. McHale et al. USP 6,278,728 B1 (McHale) teach first transceiver (see Fig.3) calculating the training parameter (62 - 68) and performing training (70-82).

Hence, McHale teaches performing training parameter based on parameters implemented to increase the performance of the first transceiver.

Furthermore, Wu also teaches performing training parameters (74C in Fig.9) based on parameters implemented to increase the performance of the first transceivers. Thus, both Wu and McHale teaches first transceiver performing training parameters based on a superior quality of parameters, regardless of whether the training parameters are generated from the first transceiver or is received from the second transceiver. Furthermore, the training parameters used by the second transceiver (72R) provides superior quality for its own training, and therefore, the same training parameter is sufficient to provide superior quality to the first transceiver. Hence, the second transceiver providing the training parameters and the first transceiver providing its own training parameters, both methods provides superior quality of training parameters. Therefore, it would have been obvious to one skilled in the art at the time of the invention to analyze that calculating the training parameter performed by the first transceiver and transmitting the training parameter to the second transceiver, and further, the second transceiver transmitting training parameter to the first transceiver to perform training is identical to the process of the first transceiver calculating the training parameter, performing training, and transmitting the training parameter to the second transceiver, as the first transceiver is adjusted through the training parameter, and further in the system of Wu, both transceivers is optimally adjusted for transmission.


YOUNG T. TSE
PRIMARY EXAMINER